



## City of Seattle

Michael Patrick McGinn, Mayor

### Seattle Human Rights Commission

Roslyn Solomon, Chair

April 14, 2011

Michael Patrick McGinn  
Mayor, City of Seattle  
Seattle City Hall  
600 4th Avenue, 7th Floor  
P.O. Box 94749  
Seattle, WA 98124-4749

**Re: Parks Trespass Enforcement Agreement**

I am writing to you on behalf of the Seattle Human Rights Commission to ask that you direct the Seattle Parks Department and the Seattle Police Department (SPD) to stop banning individuals summarily from Seattle parks without providing due process.

The current parks exclusion ordinance, Seattle Municipal Code §18.12.278, allows the Parks Department and SPD to ban individuals from Seattle parks for periods of up to one year. The City's use of exclusions raises serious constitutional concerns. Under your leadership, however, the City has begun a careful review of the use of exclusions. We support your reconsideration of the current practice. As described below, we believe that the City can maintain safety in Seattle parks without compromising residents' civil and human rights.

We understand that the Parks Department is insisting that it still retain the power to issue summary exclusions for up to 24 hours. We ask that you reject this approach.

The Commission is specifically charged with recommending law and policy changes impacting the human rights of Seattle residents. We believe that the summary exclusion procedure, as it is currently enforced, is inconsistent with Article 7 of the Universal Declaration of Human Rights, which guarantees equal protection of the law, and the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibits racial discrimination in all its forms.

Exclusions in Seattle parks have been issued disproportionately against people of color. The share of parks exclusions notices issued to black people (38.4 %) is nearly five times the black share of the Seattle population (8.4 %). The share of parks exclusion notices issued to Native Americans (8.2%) is over ten times the share of the Seattle population that is Native American (0.8%).

The Commission is also concerned that the use of exclusions is inconsistent with Article 10 of the Universal Declaration of Human Rights, which guarantees due process of law. Current policy places too much power in the hands of Parks officers, who act as prosecutor, judge and jury. Summary exclusions ban future lawful conduct by individuals rather than punishing actual violations. Individuals have no opportunity to contest the bans before a neutral decision-maker.

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The use of exclusions send the wrong message that the City's problem is with a person rather than with their behavior.

Therefore, we recommend that the City can stop banning individuals from parks and instead focus on specific parks code violations. Individuals violate a specific code provision should be given a warning, informing them of the Parks rules. Individuals who violate the code after being warned may be subject to arrest and prosecution for trespass. However, those individuals who conform their behavior to the Parks code should be allowed to remain in the park without further law enforcement contact.

We appreciate your efforts to improve the City's practices in this area and look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roslyn Solomon". The signature is fluid and cursive, with the first name "Roslyn" and last name "Solomon" clearly distinguishable.

Roslyn Solomon, Chair

Cc: Lisa Daugaard and Anita Khandelwal, The Defender Association  
Peter S. Holmes, Seattle City Attorney  
Julie Nelson, Director, Seattle Office for Civil Rights